

## REMARKS

Independent Claim 18 and dependent Claims 2-5, 7-10, 13-15, 20, 22-36, 39, 40, and 59 are pending after the amendment. Claims 41-58 have been cancelled to better focus on independent Claim 18. Many of the previously withdrawn claims have been made dependent on Claim 18 and are not being separately argued herein for patentability. Various claims are cancelled as being redundant with Claim 18.

The amendment to Claim 18 further recites characteristics of the free game pot and the bonus round initiation signal. Support for the bonus round initiation signal only being generated once the free game pot is sufficient to fully fund the free game bonus round is described in Claim 12 (now cancelled) and on page 2, lines 13-15; page 7, lines 7-11; and page 9, lines 1-3 and 13-16.

Added Claim 59 is supported on page 7, lines 19-26, where it is described how the adequacy of the free game pot for fully funding the free game bonus round is determined by an instantaneous condition of the gaming machines.

The examiner rejected at least the independent Claim 18 as being obvious over Bennett (US 6,224,482) in view of a description of a purely mechanical slot machine in a book by Bueschel.

As will be described below, it is respectfully submitted that the examiner has not fully considered the differences between Claim 18 and the combination of the prior art, even assuming the Bueschel slot machine were updated with modern electronics and combined with Bennett. The combination of the prior art is missing a non-obvious key aspect of the invention, described below.

**Bennett** was cited for teaching a free bonus game that can win a jackpot when the player has achieved a trigger condition. As is conventional, the jackpot is progressive and continues to be accumulated based on a fixed percentage of wagers into all machines that can win the jackpot. Continually increasing a progressive jackpot until won is the essential characteristic of a progressive jackpot. The examiner stated that Bennett does not disclose any dynamic allocation of the percentage of wagers used to fund the jackpot.

**Bueschel** describes an early type of mechanical slot machine where a balance mechanism diverts all coins to a jackpot until the jackpot is full, then diverts all the coins to a different coin receptacle to pay other than the jackpot award.

The focus of the invention in Applicant's Claim 18 is the dynamic funding of the "free game pot," where the pot is common to all the linked gaming machines participating in the free game round. All the free games (or bonus games) are funded by the "free game pot" so that the target payout percentage (i.e., long term payout divided by pay-in times 100%) of the slot machines is not affected by the free games. The free game pot is funded at dynamically changing levels depending on the level of the free game pot needed to completely fund the free game round. There is no benefit in over-funding the free game pot, since it is not like a progressive jackpot where the ever-increasing progressive jackpot is displayed to all players and draws players to the participating machines. The amount needed in the free game pot to fund a free game round will depend on the number of eligible machines and the total virtual wagers that will be used to play the free games.

It is important to realize that there is no technical reason for why the free game pot cannot use a permanently fixed percentage of the wagers to fill it, since over-filling the free game pot is not a technical problem. Any excess money in the free game pot can eventually be used to fund future free game rounds. However, by using Applicant's invention of Claim 18, there is little or no excess money in the free game pot, allowing more of the wagers to fund visible progressive jackpots to draw more players to the games. Applicant's invention makes the most efficient use of the money diverted from the player's wagers by only funding the free game pot to that level necessary to fully fund the free game bonus round, then only allowing the free game bonus round initiation signal to be issued once it is determined that the free game pot can fully fund the free game round.

Such considerations and results could not be suggested by the funding of jackpots, which is the subject of the cited prior art.

#### **Examiner's Argument**

The examiner believes it is immaterial whether a pot is a jackpot or a free game pot. However, unlike a free game pot used for funding all free games played in a free game bonus round on multiple machines, Bueschel's "full" jackpot is a fixed amount that never changes.

It is **forbidden** that the jackpot be overfunded since it is intended to be a fixed amount and not a progressive jackpot. A player wins the full jackpot with a certain combination of symbols. When the jackpot is full, Bueschel is **required** to divert the money to another receptacle since otherwise there would be no money left over to play normal awards. In contrast, in a free game pot, there is no upper limit, so there is no technical requirement to place a cap on it; the free game pot amount is not advertised to the players since it is immaterial to them. Bueschel provides no motivation for dynamically changing the funding of a free game pot.

The purpose for Applicant's invention is to avoid the financial inefficiency in excess funding of the free game pot since that excess money could have been applied elsewhere, such as to a displayed progressive jackpot that draws players to the machines (e.g., Claim 22). The reason that Bueschel stops funding the fixed jackpot is unrelated to the reason Claim 18 limits the free game pot, so there is no suggestion by Bueschel to dynamically adjust the funding of a free game pot.

Further, Bueschel's concept of quickly filling the jackpot then adding no more to the jackpot is inapplicable to modern linked gaming machines. Today, a fixed jackpot is simply counted out from a single coin hopper in the slot machine until the amount is paid, or an attendant is called to pay the jackpot. There is no separate jackpot receptacle requiring dynamic allocation. For linked gaming machines, a jackpot is a progressive jackpot that is continually incremented from a low starting amount until one player of the linked machines wins the progressive jackpot. Therefore, even a modern version of Bueschel's concept (i.e., X% allocation until a jackpot is full, then 0%) has no use in modern slot machines.

**Therefore, for this additional reason, no modern slot machine designer would consider Bueschel's "dynamic allocation" to be relevant to modern slot machines, much less relevant to a free game pot.**

The free game pot also is not at all like a **progressive** jackpot, since in a progressive jackpot **any** amount is adequate, from a minimum amount to many millions of dollars, and the casinos like to advertise high progressive jackpots. There is no incentive to dynamically reduce the percentage of wagers to a progressive jackpot, since high jackpots draw players to the slot machines. However, for X number of free games for Y machines, the casino must make sure that the free games are funded, but there is no benefit from overfunding the free

game pot. This consideration is irrelevant to fixed and progressive jackpots and to any game played by a stand-alone machine.

The funding of jackpots is therefore not related to the Claim 18 technique of funding a free game pot.

The examiner stated that, “as Applicant’s arguments make clear, Applicant seeks to address the same problem that faced the slot machine makers in the 1920’s- how to fill a pot and stop adding money when the pot is judged to be full enough.” It is respectfully submitted that this is not accurate. Applicant’s invention avoids excess funding of a free game pot. The appreciation that a free game pot should not be continually funded by wagers is part of the invention, and the result of Applicant’s invention is that the casinos do not waste financial resources. Instead of overfunding the free game pot, the excess amount may be diverted to a progressive jackpot to draw more players to the machines. The examiner is making Applicant’s invention out to be a purely technical achievement (i.e., an improvement over Bueschel’s mechanical jackpot allocation technique) without consideration of the unrelated motivations for the Bueschel invention (necessity) and Applicant’s invention (increased financial efficiency).

Additionally, Claim 18 requires that the free game pot be adequate to fully fund the free games before the free game bonus round initiation signal is issued. In Bueschel, Bueschel can only hope that the jackpot is not awarded prior to being at its fixed level. The level of the jackpot has no effect on the outcome of the reels game.

Added Claim 59 recites:

59. (new) The method of Claim 18 wherein the level of the free game pot determined to be necessary to ensure full funding of all free games played during the free game bonus round is not predetermined but is dependent upon current conditions while paid games are being played.

In Bueschel, the amount necessary to fill the jackpot is predetermined, in direct contrast to Claim 59. In an embodiment of Claim 59, the amount determined to fully fund the free game bonus round is instantaneously calculated based on the current bets by the active players, since all free games are played with virtual bets equalling the player’s prior real bet amount (page 7, lines 19-26).

The examiner is invited to call Applicant's attorney if there are any questions or proposed claim clarifications at 408-382-0480 x202.

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